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106TH CONGRESS
2D SESSION

H. R. 3911

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for surgical first assisting services of certified registered nurse first assistants.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2000

Mr. COLLINS (for himself, Mr. NORWOOD, Mr. HOEKSTRA, Mr. GREENWOOD, Mr. ENGLISH, Mr. DEAL of Georgia, Mr. FOLEY, Mr. LEWIS of Georgia, Mrs. JOHNSON of Connecticut, Mr. WISE, Mr. GOSS, Mrs. CAPPS, and Mr. MCDERMOTT) introduced the following bill; which was referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for surgical first assisting services of certified registered nurse first assistants.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Certified Registered Nurse First Assistant Direct Reimbursement Act of 2000".

SEC. 2. MEDICARE COVERAGE OF SURGICAL FIRST ASSISTING SERVICES OF CERTIFIED REGISTERED NURSE FIRST ASSISTANTS.

(a) SERVICES COVERED.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) by striking "and" at the end of subparagraph (S);

(2) by striking the period at the end of (T) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(U) surgical first assisting services (as defined in subsection (uu)(1)) furnished by a certified registered nurse first assistant (as defined in subsection (uu)(2)).".

(b) SERVICES DESCRIBED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Surgical First Assisting Services; Certified Registered Nurse First Assistant

"(uu)(1) The term 'surgical first assisting services' means services consisting of first assisting a physician

with surgery and related preoperative, intraoperative, and postoperative care (as determined by the Secretary) furnished by a certified registered nurse first assistant (as defined in paragraph (2)) which the certified registered nurse first assistant is legally authorized to perform by the State in which the services are performed.

"(2) The term 'certified registered nurse first assistant' means an individual who—

"(A) is a registered nurse and is licensed to practice nursing in the State in which the surgical first assisting services are performed;

"(B) has completed a minimum of 2,000 hours of first assisting a physician with surgery and related preoperative, intraoperative, and postoperative care; and

"(C) is certified as a registered nurse first assistant by an organization recognized by the Secretary.".

(c) PAYMENT AMOUNT.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(1) by striking "and" before "(S)"; and

(2) by inserting before the semicolon at the end the following: ", and (T) with respect to surgical first assisting services (as defined in section 1861(uu)(1)) furnished by a certified registered

nurse first assistant (as defined in section 1861(uu)(2)), the amount paid shall be 80 percent of the lesser of the actual charge for the services or 85 percent of the amount determined under the fee schedule established under section 1848(b) for the same services if furnished by a physician".

(d) PAYMENTS TO EMPLOYERS.—

(1) IN GENERAL.—Section 1833(r) of the Social Security Act (42 U.S.C. 1395l(r)) is amended—

(A) in paragraph (1), by inserting "or section 1861(s)(2)(U) (relating to surgical first assisting services)" after "clinical nurse specialist services)"; and

(B) in paragraph (2), by striking "1861(s)(2)(K)(ii)" and inserting "1861(s)(2)(K)(ii) or 1861(s)(2)(U)".

(2) APPLICATION OF MANDATORY ASSIGNMENT RULES.—Section 1842(b)(18)(C)(i) of such Act (42 U.S.C. 1395u(b)(18)(C)(i)) is amended by striking "physician assistant, nurse practitioner, clinical nurse specialist" and inserting "physician assistant, nurse practitioner, clinical nurse specialist, or certified registered nurse first assistant".

(3) EXCLUSION FROM BUNDLED PAYMENTS FOR COVERED SKILLED NURSING FACILITY SERV-

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ICES.—Section 1888(e)(2)(A)(ii) of such Act (42 U.S.C. 1395yy(e)(2)(A)(ii)) is amended by inserting "surgical first assisting services of a certified registered nurse first assistant," after "services of a certified registered nurse anesthetist,".

(e) REDUCTION IN PAYMENTS TO AVOID DUPLICATE PAYMENT.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may reduce the amount of payments otherwise made to hospitals under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) to eliminate estimated duplicate payments for historical or current costs attributable to surgical first assisting services furnished by certified registered nurse first assistants as described in section 1861(uu) of such Act (as added by subsection (a)).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date of the enactment of this Act.

SEC. 3. STUDY OF PAYMENT RATES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report containing recommendations for adjustments to the payment amounts established under part B of title XVIII of the Social Security Act for surgical first assisting services furnished by

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certified registered nurse first assistants (as described in section 1861(uu) of such Act (as added by section 1(a)) to ensure that the payment amounts reflect the approximate costs of furnishing such services, taking into account the costs of compensation, overhead, and supervision attributable to certified registered nurse first assistants.

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